

PLAT COMMITTEE

September 9, 2026

Case Number: 2026-PLT-039 (Amended)
Property Address: 5151 East 82nd Street (*Approximate Address*)
Location: Washington Township, Council District #3
Petitioner: LMR II Clear Water Springs LLC, by Joe Calderon
Zoning: C-S
Request: Approval of a Subdivision Plat, to be known as Clearwater Springs, subdividing 18.24 acres into six lots, with a waiver of the sidewalk requirement along Allisonville Road.
Waiver Requested: Waiver of sidewalks
Current Land Use: Commercial
Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated July 2, 2026, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.

9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That required sidewalks, around 1915 linear feet in total, along 82nd Street be affixed to the final plat in a location approved by the Department of Metropolitan Development prior to recording.
13. That the request for a waiver of sidewalk requirements along Allisonville Road be **approved**.

PETITION OVERVIEW

SITE PLAN AND DESIGN

This site is zoned C-S, has a size of 18.24 acres, and is developed with a commercial integrated center that contains two internally subdivided lots. The proposed plat would subdivide the property into six lots in total. Lot 1 would be 2.727 acres in size and located to the southwest. Lot 2 would be 1.099 acres located to the northeast of Lot 1. Lot 3 would be 9.024 acres and would be located to the east of Lots 1 and 2. Lot 4 would be 1.657 acres in size and would be to the east of Lot 3 and one of the existing subdivided lots. Lot 5 would be 3.045 acres in size to the east of the subdivision. Lot 6 would be 0.723 acres in size to the northeast. The proposed plat meets the standards of the C-S zoning classification.

STREETS

Lots 2 through 6 would have frontage on 82nd Street, and Lot 5 would also front on Allisonville Road. Internal access drives and curb cut connections would remain throughout the integrated center, and no new streets are proposed as part of this petition.

SIDEWALKS + WAIVER REQUEST

Sidewalks currently exist along portions of the 82nd Street frontage to the north and the Allisonville Road frontage to the east: there is around 200 linear feet of sidewalk along Allisonville to the north of an existing access drive, as well as both **(a)** around 305 feet of sidewalk running along the furthest west portion of 82nd Street (recently installed) and **(b)** around 90 feet of sidewalk to the east of a private access drive parallel to Allison Pointe Drive to the north (installed by DPW in 2022 in relation to both a crosswalk placed across 82nd Street and an existing bus stop).

Although the petitioner initially applied for a waiver of sidewalk requirements for both the missing 1915 linear feet of sidewalks along 82nd Street as well as the 80 linear feet of sidewalk along Allisonville Road, the 82nd Street portion of the request was withdrawn on August 26th via emailed indication that the developer “will install sidewalks on 82nd Street”. A condition had been added indicating that these required sidewalks will be affixed to the final plat prior to recording. The Areas Requiring Sidewalk Waiver exhibit below shows, in yellow, areas where sidewalks will be added along 82nd Street as well as the area along Allisonville Road for which the waiver of sidewalk requirements is being sought.

The Ordinance indicates that sidewalk waivers should only be approved in “locations where site conditions cause extreme difficulty in the construction of sidewalks” and that “examples of such extreme difficulty include, but are not limited to, waterway crossing, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1”. Per staff’s visit to the property, it appears that substantial treed area and grade changes exist to the south of the existing access drive along Allisonville Road (see Photo 8 and contour diagram within Exhibits below), which leads staff to recommend **approval** of the waiver request for sidewalks along Allisonville Road.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Commercial Integrated Center	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	D-6II / C-S / C-3	Residential / Commercial
South:	C-S	Undeveloped
East:	C-S / C-1	Commercial
West:	D-P	Commercial / Residential
Thoroughfare Plan		
82 nd Street	Primary Arterial	132-foot existing and 134-feet proposed
Allisonville Road	Secondary Arterial	120-foot existing and 102-foot proposed
Petition Submittal Date	July 2, 2026	

EXHIBITS

2026PLT039 ; Areas Requiring Sidewalk Waiver (Yellow)

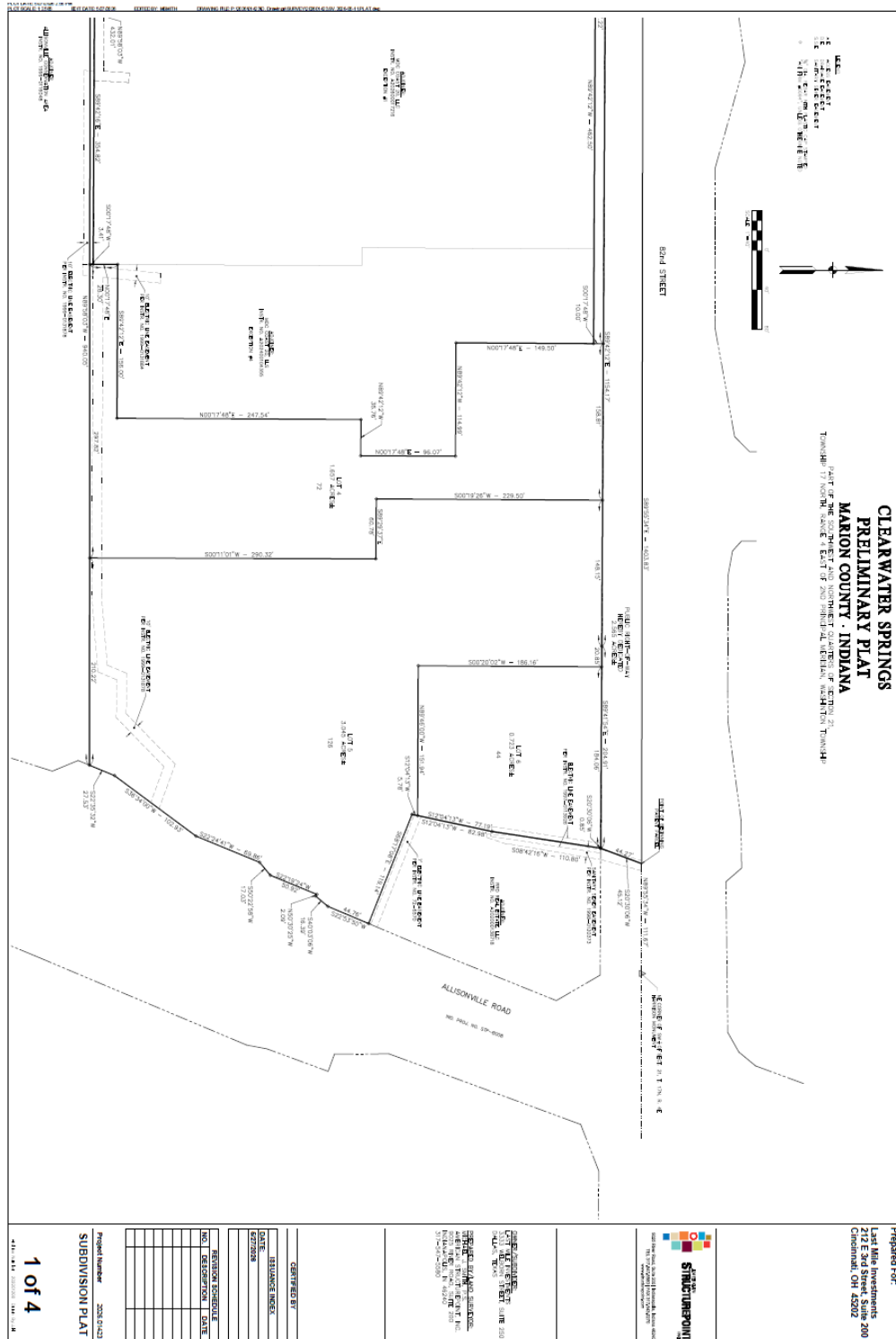


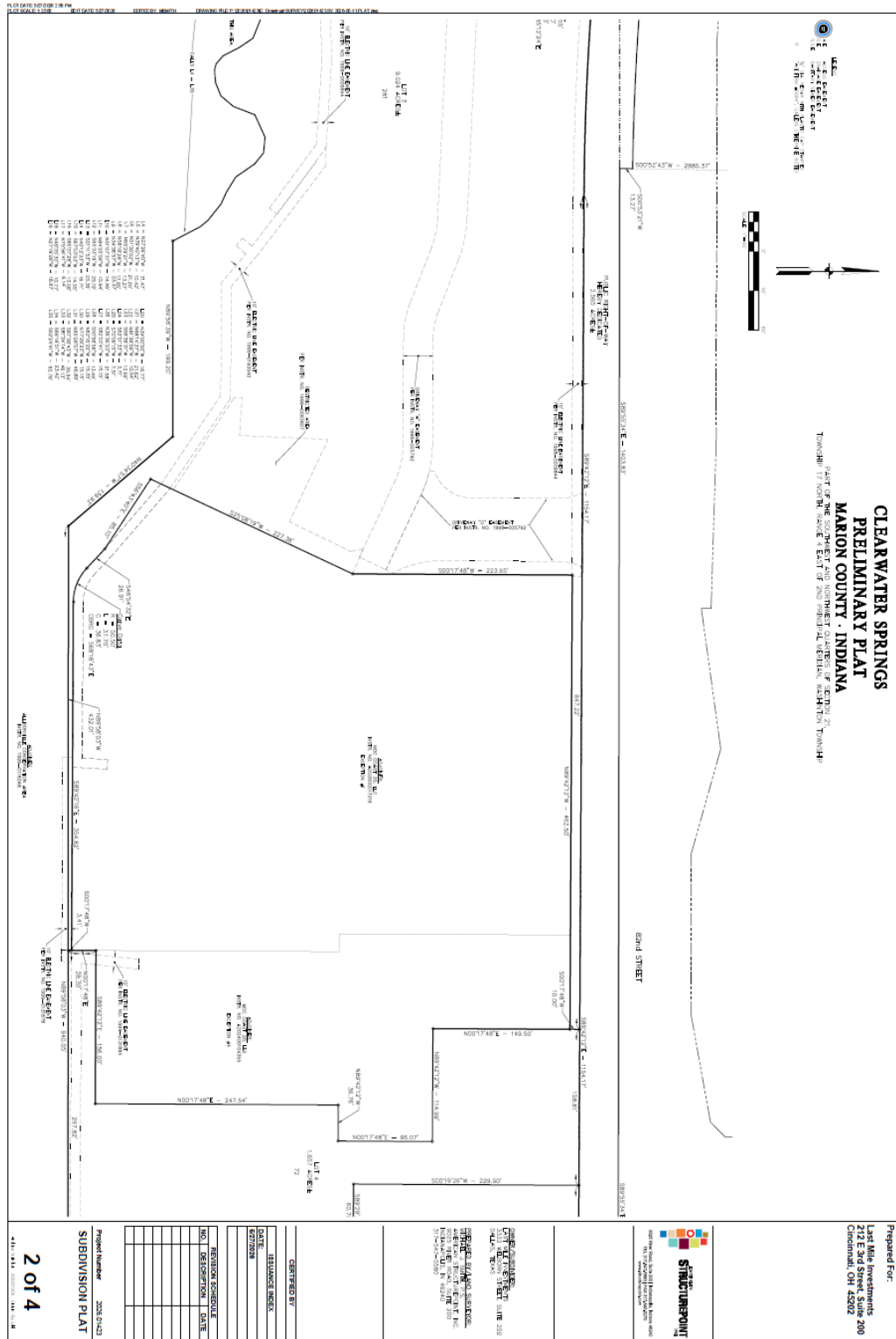
2026PLT039 ; Aerial Map (East)



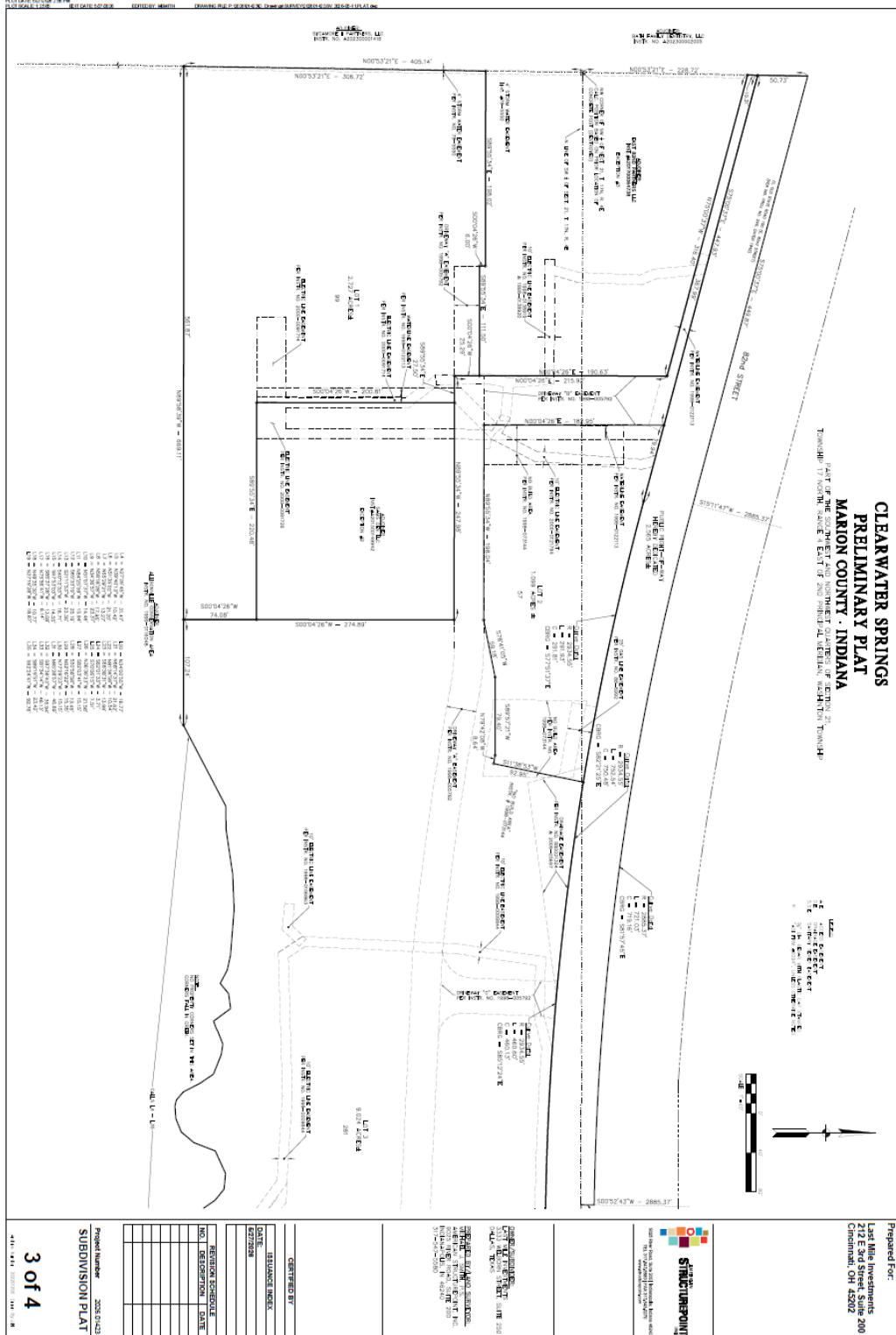
2026PLT039 ; Aerial Map (West)



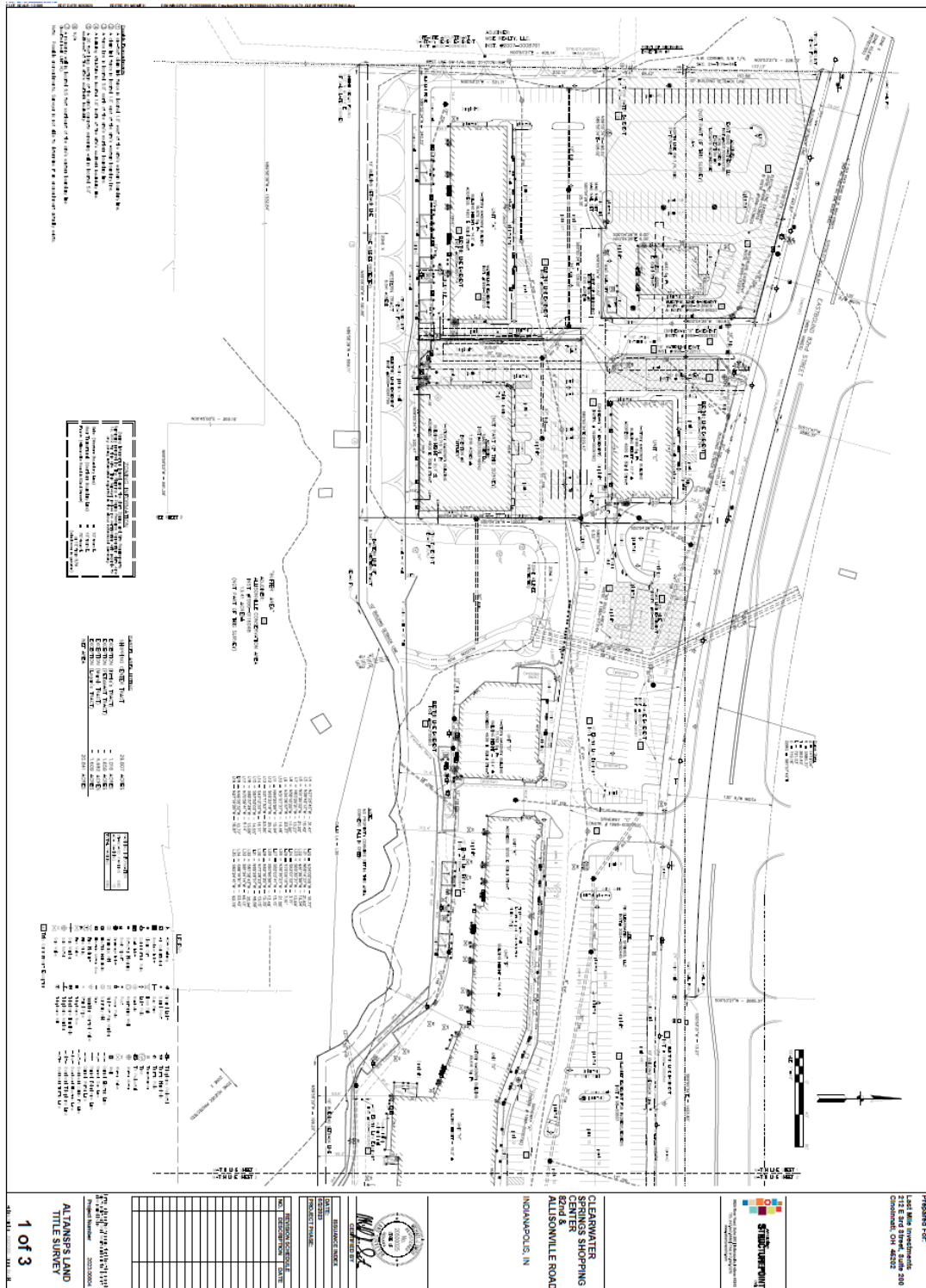




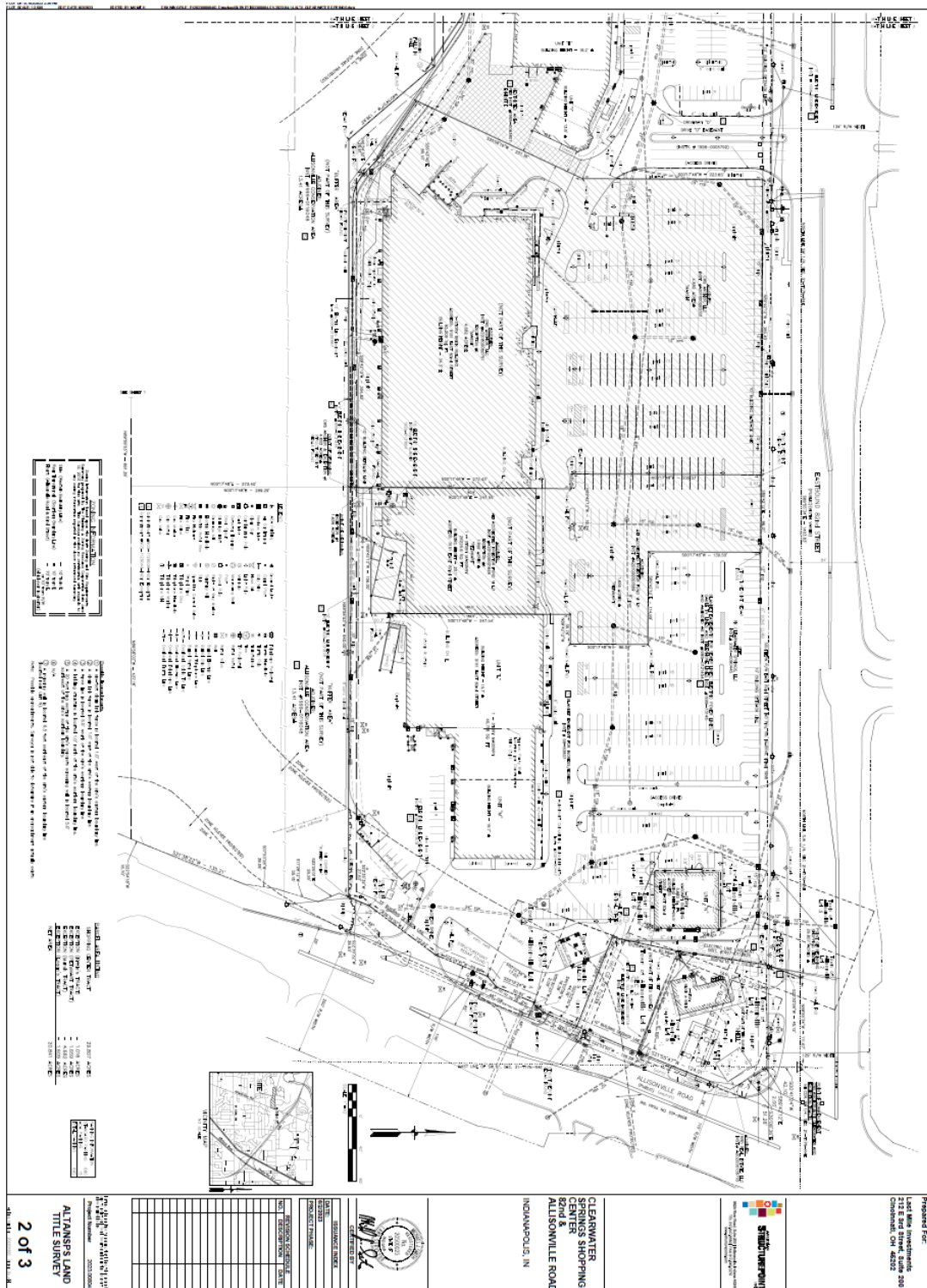
2026PLT039 ; Preliminary Plat (3 of 3)



2026PLT039 ; Existing Conditions Survey (1 of 2)



2026PLT039 ; Existing Conditions Survey (2 of 2)



2026PLT039 ; Countour/Grade Change Diagram (Southeast)



2026PLT039 ; Findings of Fact (Sidewalk Waiver)

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

the property is already improved without sidewalks and the improved environment is not changing.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

the subdivision is taking place on parcels which are already improved.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

the property is already improved and the as-built environment will not change following the subdivision.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

the subdivision is not changing the as-built environment or existing conditions.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

the subdivision is complying with all zoning development standards.

2026PLT039 ; Photographs



Photo 1: Proposed Lot 1 Viewed from Northeast



Photo 2: Proposed Lot 2 Viewed from North

2026PLT039 ; Photographs (continued)



Photo 3: Proposed Lot 3 Viewed from North



Photo 4: Proposed Lot 3 Viewed from North

2026PLT039 ; Photographs (continued)



Photo 5: Proposed Lot 4 Viewed from North



Photo 6: Proposed Lot 5 Viewed from East

2026PLT039 ; Photographs (continued)



Photo 7: Proposed Lot 6 Viewed from North



Photo 8: Allisonville Road Frontage South of Access Drive (September 2024)

2026PLT039 ; Photographs (continued)



Photo 9: Allisonville Road Existing Sidewalk from North



Photo 10: Allisonville Road Existing Sidewalk from South